

Notice of Allowability

Application No.

09/745,323

Examiner

Nicholas D. Rosen

Applicant(s)

IVERSON ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication of March 14, 2005.
2. ☒ The allowed claim(s) is/are 16-19,21-23,25-27 and 45-48.
3. ☒ The drawings filed on 06 July 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Claims 16-19, 21-23, 25-27, and 45-48 have been examined.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 14, 2005, has been entered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Steven Yates on April 11, 2005.

The application has been amended as follows: Claims 29, 30, 31, and 32 are hereby cancelled without prejudice or disclaimer.

In the eleventh line of claim 25, the period after "management systems" is hereby replaced by a semicolon.

Claims 45, 46, 47, and 48 are hereby rewritten to read as follows:

Art Unit: 3625

45. An article comprising a machine accessible medium having instructions encoded thereon for processing a collection of digital content received by a receiver having at least one policy affecting receipt of collections, said instructions, which when executed by a machine, result in the machine performing:

- receiving a manifest for a work comprising a description of data stored by the collection, a reference to a first digital resource, and meta-data describing the first digital content, wherein the manifest comprises a relationship between the reference and said meta-data so that the manifest includes structure corresponding to the work;

- testing compliance of the description with the policy;

- determining if the manifest can be edited to comply with the policy; and

- responsive to determining the manifest cannot be edited, disposing of the manifest.

46. The article of claim 45, wherein the instructions further result in the machine performing:

- providing a search query for locating digital content to a search agent; and

- receiving the manifest in response to the search query.

47. The article of claim 45, the manifest further comprising a second reference to second digital content, second meta-data describing the second digital content, and purchasing data for said first and second digital content, and wherein the instructions further result in the machine performing:

- deciding to obtain the collection;

- determining the first digital content was not previously obtained;

determining the second digital content has been previously obtained; and
purchasing only the first digital content in accord with said purchasing data.

48. The article of claim 45, the manifest further comprising a second reference to second digital content, and second meta-data describing the second digital content, and wherein the instructions further result in the machine performing:

deciding to obtain the first collection;

determining the second collection has been previously obtained, said determining being based on the second digital content already being present in a selected one of: a cache, another collection, or a local storage device; and

obtaining only the first digital content.

Allowable Subject Matter

Claim 16 and its dependents 17-19 are allowed.

Claim 25 and its dependents 26, 27, and 21-23 are allowed.

Claim 45 and its dependents 46-48 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Wiser et al. (U.S. Patent 6,385,596), discloses receiving a manifest for a work comprising a description of data stored by a collection, a reference to a first digital resource, and meta-data describing the first digital content, wherein the manifest comprises a relationship between the reference and said meta-data so that the manifest includes structure corresponding to the work (Abstract; Figure 2; column 6, line 47, through column 8, line 17). Wiser does not disclose testing compliance of the

Art Unit: 3625

description with at least one policy stored in the receiver and affecting receipt of collections; determining whether the manifest can be edited to comply with the policy; and if not, disposing of the manifest. It is well known to block access to inappropriate data, including testing to determine whether the data complies with a policy (e.g., Goddard, U.S. Patent 6,684,240; Panepinto, "Sitters and Nannies, for Kids and Parents"). However, neither Wiser, Goddard, Panepinto, nor any other prior art of record teaches or reasonably suggests determining whether the manifest can be edited to comply with the policy; and responsive to determining that the manifest cannot be edited, disposing of the manifest. The foregoing has been written with particular reference to claim 16, but is also applicable to independent claims 25 and 45.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Downs et al. (U.S. Patent 6,226,618) disclose an electronic content delivery system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. The examiner's telephone number is expected to be changed to 571-272-

Art Unit: 3625

6762 on or about April 13, 2005. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen

**NICHOLAS D. ROSEN
PRIMARY EXAMINER**

April 12, 2005